

Permit

Number: _____

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DEPARTMENT OF THE ARMY PERMIT

Permittee: FDOT, District II
Attn: Van Humphreys
1109 South Marion Avenue, MS 2002
Lake City, Florida 32025

Permit No: SAJ-2005-10540 (IP-AWP)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The placement of clean fill material into 0.70-acre of waters of the United States, including wetlands, and temporary impacts to 1.12 acres of wetlands to replace the Matanzas River South Bridge and resurface a portion of State Road A1A. The existing roadway would be resurfaced for 680 feet starting approximately 722 feet south of the bridge. The roadway is also to be resurfaced for 751 feet starting approximately 855 feet after the bridge ends.

Bridge Demolition: The majority of the superstructure would be dismantled rather than demolished. In shallow water, to the extent practicable, the bridge would be dismantled from the top down including the deck spans which would be lifted off the bent caps. Pilings would be removed with pile/pier cap intact to minimize loss of material during demolition. These structures would be cut at the river bottom and extracted intact.

The work described above is to be completed in accordance with the 6 attachments affixed at the end of this permit instrument.

Project Location: The project proposes impact to waters of the United States (including wetlands) associated with the Matanzas River. The proposed project is located approximately 0.5 mile north of Marineland and 300 feet east of the Intracoastal

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Waterway (ICWW) along State Road A1A in Sections 30 and 31,
Township 9 South, Range 31 East, in St. Johns County, Florida.

Directions to site: From downtown Jacksonville, take Interstate
95 south to State Road 206 travel east to State Road A1A and
proceed south to the project site.

Latitude & Longitude: Latitude: 30.679° North
Longitude: -81.220° West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends
on **February 18, 2014**. If you find that you need more time to
complete the authorized activity, submit your request for a time
extension to this office for consideration at least one month
before the above date is reached.

2. You must maintain the activity authorized by this permit
in good condition and in conformance with the terms and
conditions of this permit. You are not relieved of this
requirement if you abandon the permitted activity, although you
may make a good faith transfer to a third party in compliance
with General Condition 4 below. Should you wish to cease to
maintain the authorized activity or should you desire to abandon
it without a good faith transfer, you must obtain a modification
of this permit from this office, which may require restoration
of the area.

3. If you discover any previously unknown historic or
archeological remains while accomplishing the activity
authorized by this permit, you must immediately notify this
office of what you have found. We will initiate the Federal and
State coordination required to determine if the remains warrant
a recovery effort or if the site is eligible for listing in the
National Register of Historic Places.

4. If you sell the property associated with this permit,
you must obtain the signature and the mailing address of the new
owner in the space provided and forward a copy of the permit to
this office to validate the transfer of this authorization.

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5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The Permittee shall comply with National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006 and provided in Attachment 2 of this permit.

2. The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work - July 2005" provided in Attachment 3 of this permit.

3. The Permittee agrees to place mooring fenders on barges and other large vessels such that when moored together, the fenders provided a minimum stand-off, at and below the water line, of four feet under maximum compression.

4. Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

5. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due

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notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

6. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, PO Box 4970, Jacksonville, FL 32232-0019. The Permittee shall reference this permit number, SAJ-2005-10568 (IP-AWP), on all submittals.

7. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

8. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

9. Within 6 months from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall complete the following mitigation objectives in accordance with the approved compensatory mitigation plan and Attachment 4:

a. Onsite Mitigation

(1) Within 30 days from the date of completing the authorized work or 24 months from the effective date of this permit, whichever first occurs, the Permittee shall restore 0.70 acre of temporary wetland impacts to pre-existing contours, elevations, vegetation, habitat type, and hydrology. The

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Permittee agrees to expedite the recruitment process by planting salt marsh cordgrass (*Spartina alterniflora*).

b. Offsite Mitigation

(1) Wetland Enhancement: Manually remove Category I and II invasive exotic plant species from the entire conservation area.

(2) Upland and Wetland Preservation: The preservation of 1.98 acres of salt marsh, 4.69 acres of uplands, and 0.02 acre of bays and estuaries.

These onsite and offsite compensatory mitigation areas shall be preserved in perpetuity in accordance with Special Condition 17 of this permit.

10. To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards:

a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter).

b. Cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at <http://www.fleppc.org>, and the nuisance species, dogfennel (*Eupatorium capillifolium*), Bermudagrass (*Cynodon* spp.), Bahiagrass (*Paspalum notatum*), and cattail (*Typha* spp.). shall total less than 5 percent.

c. Less than 20 percent mortality of planted wetland species.

The Permittee shall achieve the above performance standards by the end of the 5-year monitoring period, with no maintenance during the 5th year of monitoring. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps in accordance with Special Condition 14 of this permit.

11. To show compliance with the performance standards the Permittee shall complete the following:

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a. Perform a time-zero monitoring event of the wetland mitigation area(s) within 60 days of completion of the compensatory mitigation objectives identified in Special Condition 10 of this permit.

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform semi-annual monitoring of the wetland mitigation areas for the first 3 years and annual monitoring thereafter for a total of no less than 5 years of monitoring.

d. Submit annual monitoring reports to the Corps within 60 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with Special Condition 15 of this permit.

12. Annual monitoring reports shall follow a 10-page maximum report format for assessing compensatory mitigation sites. The Permittee shall submit all documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview (1 Page):

(1) Department of the Army Permit Number

(2) Name and contact information of Permittee and consultant

(3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted

(4) A brief paragraph describing the purpose of the approved project, acreage and type of aquatic resources

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impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.

(5) Written description of the location, any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s), and coordinates of the mitigation site (expressed as latitude, longitudes, UTM's, state plane coordinate system, etc.).

(6) Dates compensatory mitigation commenced and/or was completed

(7) Short statement on whether the performance standards are being met

(8) Dates of any recent corrective or maintenance activities conducted since the previous report submission

(9) Specific recommendations for any additional corrective or remedial actions.

b. Requirements (1 page): List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is a recommended option for comparing the performance standards to the conditions and status of the developing mitigation site.

c. Summary Data (maximum of 4 pages): Summary data should be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation may be provided to support the findings and recommendations referenced in the monitoring report and to assist the PM in assessing whether the compensatory mitigation project is meeting applicable performance standards for that monitoring period. Submitted photos should be formatted to print on a standard 8 1/2" x 11" piece of paper, dated, and clearly labeled with the direction from which the photo was taken. The photo location points should also be identified on the appropriate maps.

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d. Maps and Plans (maximum of 3 pages): Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, the submitted maps and plans should clearly delineate the mitigation site perimeter(s). Each map or diagram should be formatted to print on a standard 8 1/2" x 11" piece of paper and include a legend and the location of any photos submitted for review. As-built plans may be included.

e. Conclusions (1 page): A general statement shall be included that describes the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee or sponsor, including a timetable, shall be provided. The District Commander will ultimately determine if the mitigation site is successful for a given monitoring period.

13. If the compensatory mitigation fails to meet the performance standards 5 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under the permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland function associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

14. The Permittee's responsibility to complete the required compensatory mitigation, as set forth in Special Condition 11 of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the

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Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

15. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 5) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

16. The Permittee shall maintain the areas referenced in Special Condition 10 in their natural state in perpetuity. The Permittee agrees that the only future utilization of these areas will be as a purely natural area and the following uses and/or activities will be prohibited except as required or authorized by this permit:

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a. Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground. Elevated boardwalks, hiking trails and camping areas will be permitted as long as they do not involve any of the other prohibited uses listed below:

b. Dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive material.

c. Removal or destruction of trees, shrubs, or other vegetation.

d. Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other material substance in such a manner as to affect the surface.

e. Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition.

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

g. Acts or uses detrimental to such retention of land or water areas.

h. Acts or uses detrimental to the preservation of the structural integrity or the physical appearance of sites or properties of historical, architectural, or cultural significance.

17. If the conservation easement term cannot be extended beyond the 50 year term agreed upon by Florida Department of Environmental Protection the compensatory mitigation will be considered unsuccessful. Within 60 days of notification by the Corps or observation by the applicant that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under the permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland function associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal. The Permittee would be

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required to offset 0.61 functional units of loss associated with direct impacts.

18. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

19. Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Cocoa Regulatory Office.

20. The Permittee is prohibited from excavating below subgrade in the vicinity of prehistoric shell midden (SJ4887), station 109+00 LT to 112+00 LT. Further, all construction staging areas shall avoid this area as well.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

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c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

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b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

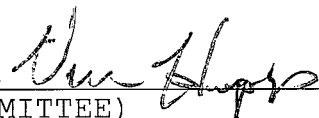
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)

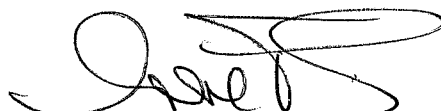
2-18-09

(DATE)

Van H. Hays

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

2-20-09

(DATE)

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

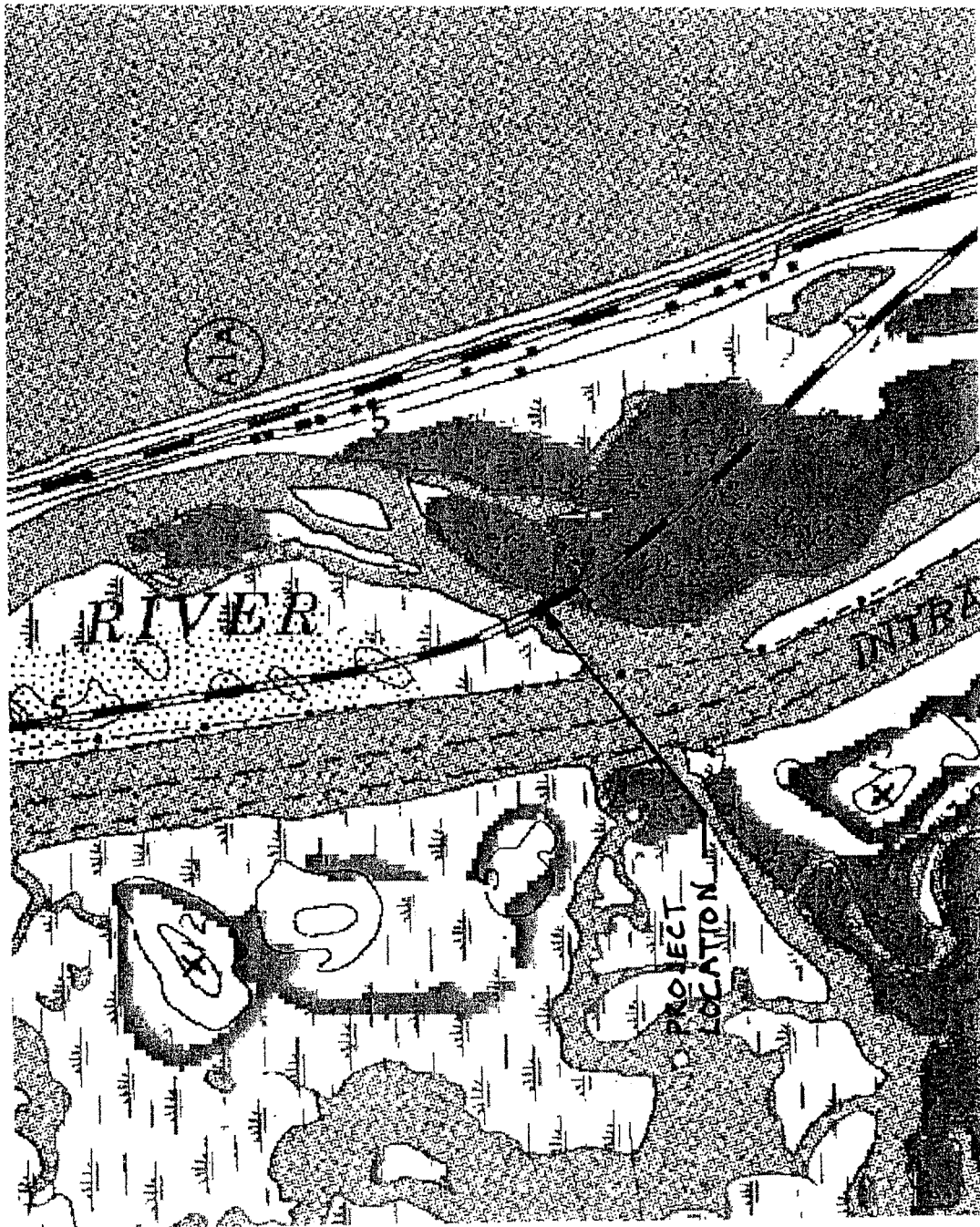
(ADDRESS)

(CITY, STATE, AND ZIP CODE)

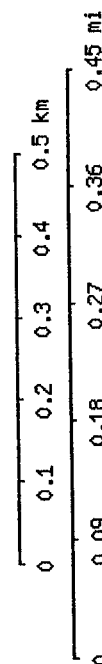
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***Attachments to Department of the Army
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1. Permit Drawings: 10 pages
2. Sea Turtle and Smalltooth Sawfish Construction Conditions
3. Standard Manatee Conditions for In-Water Work - July 2005
4. Off-site mitigation location maps
5. As-Built Certification Form
6. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit.



M=-5.675
G=-0.109



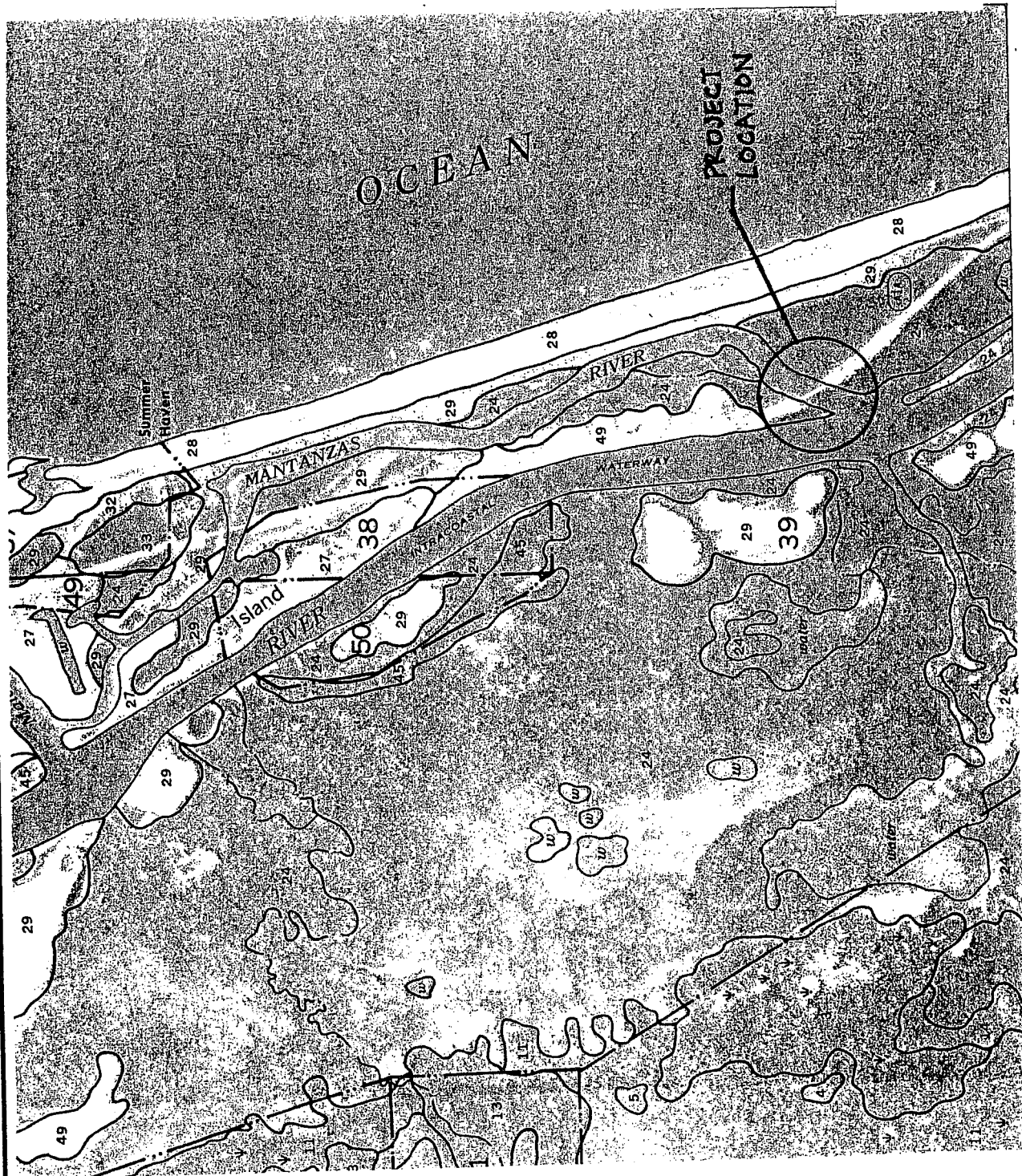
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Matanzas Inlet quadrangle

Projection is UTM Zone 17 NAD83 Datum

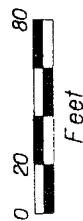
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MATANZAS SOUTH BRIDGE
QUAD MAP



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MATANZAS SOUTH BRIDGE
SOIL SURVEY



WL 1
Impact = 0.334 Ac

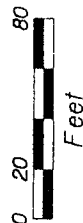
WL 2
Temporary Impact = 0.236 Ac

WL 2
Impact = 0.010 Ac

WL 2
Impact = 0.117 Ac

WL 2
Temporary Impact = 0.249 Ac

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AQUACULTURE LEASE
FOR PHIL CUBBAGE

WL 4

Temporary Impact = 0.062 Ac

WL 4

Impact = 0.034 Ac

SW-2

Impact = 0.025 Ac

SW-2

Impact = 0.026 Ac

SW-2

Impact = 0.019 Ac

WL 5

Impact = 0.002 Ac

WL 3

Impact = 0.002 Ac

WL 2

Impact = 0.0006 Ac

WL 5 - (3 Areas)

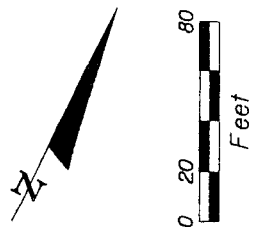
Temporary Impact = 0.040 Ac

WL 5

Impact = 0.004 Ac

WL 5

Temporary Impact



SW 1

Temporary Impact = 0.024 Ac

SW-1
Impact 0.180 Ac

WL 5

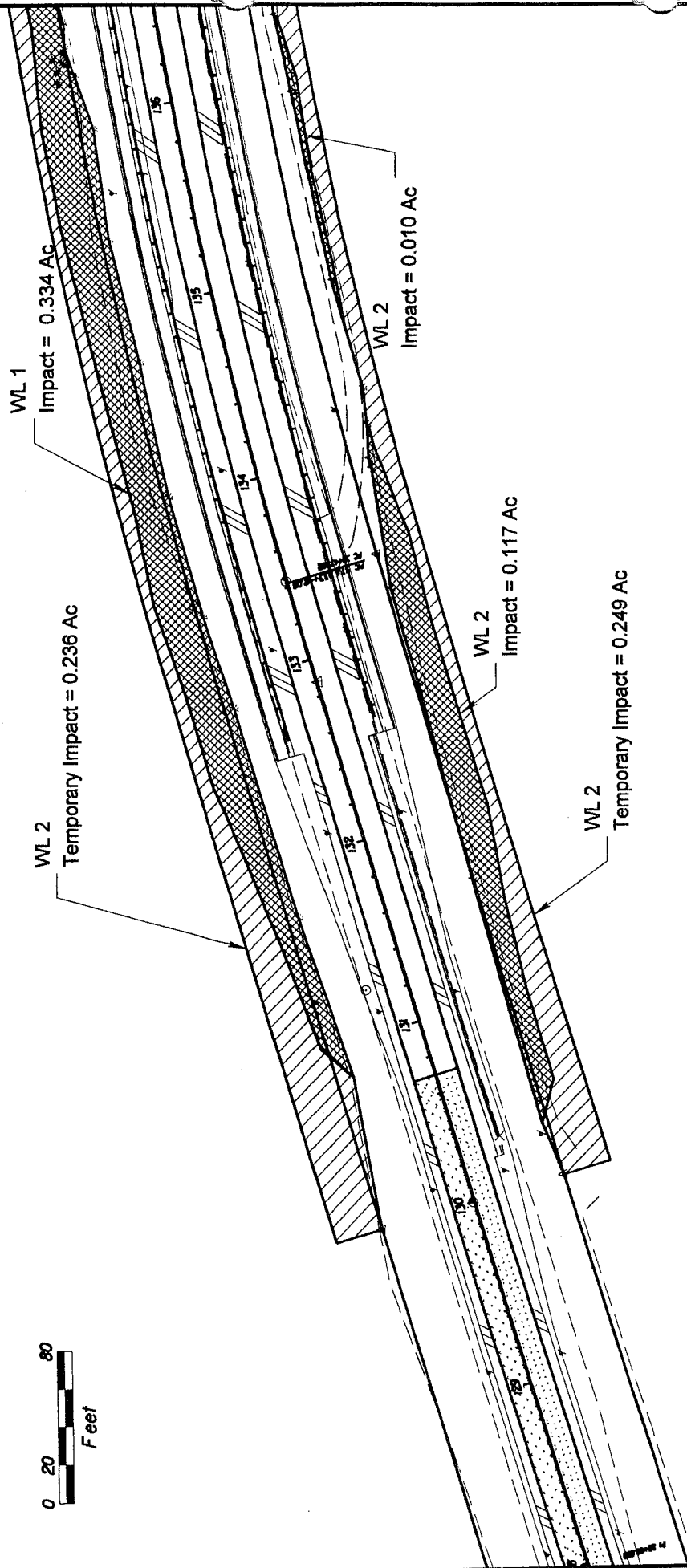
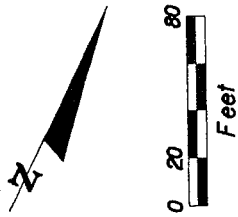
Temporary Impact

WL 5

Impact = 0.015 Ac

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WETLAND IMPACTS
MATANZAS SOUTH BRIDGE



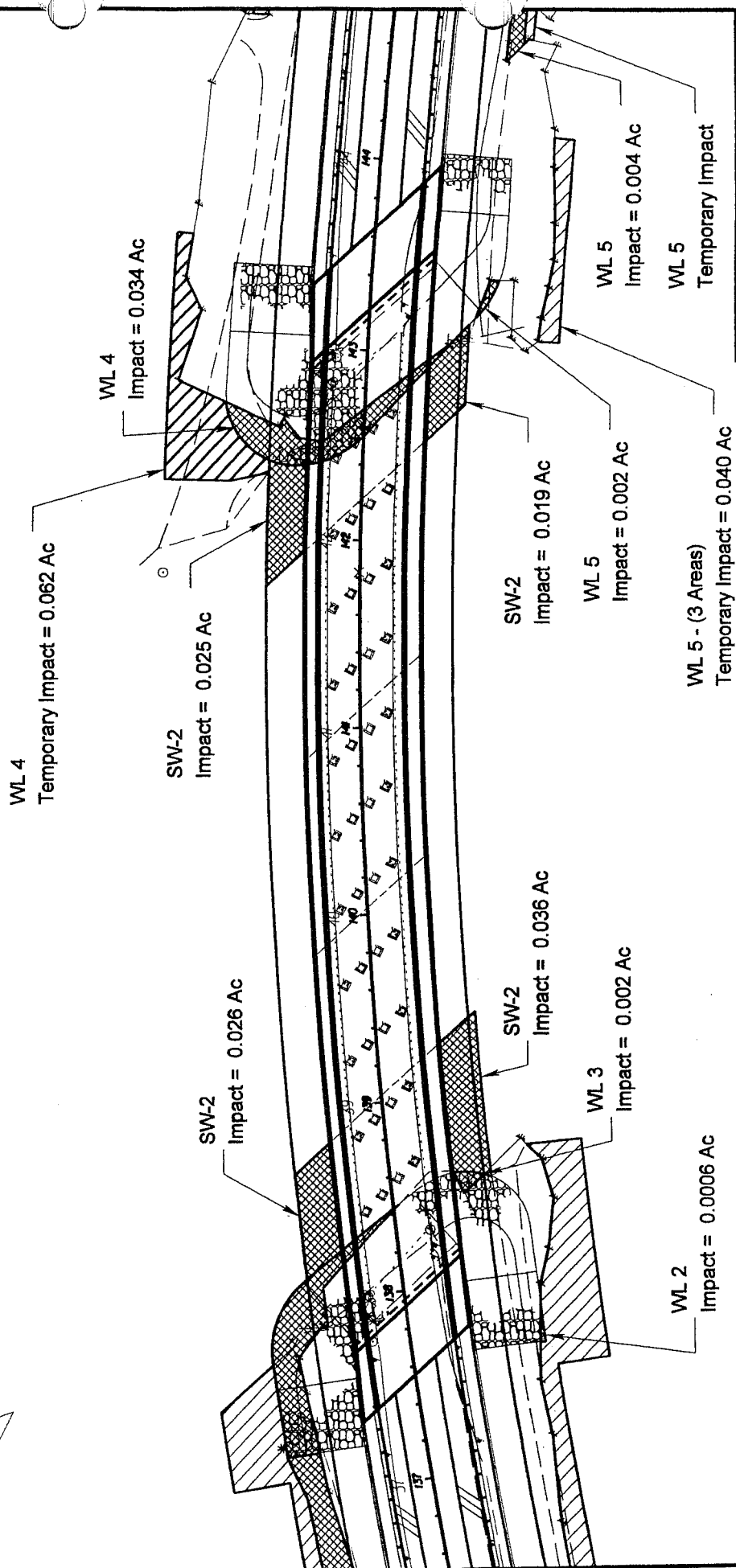
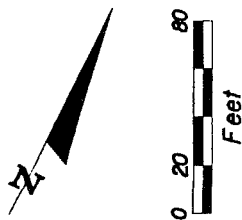
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WETLAND IMPACTS
MATANZAS SOUTH BRIDGE

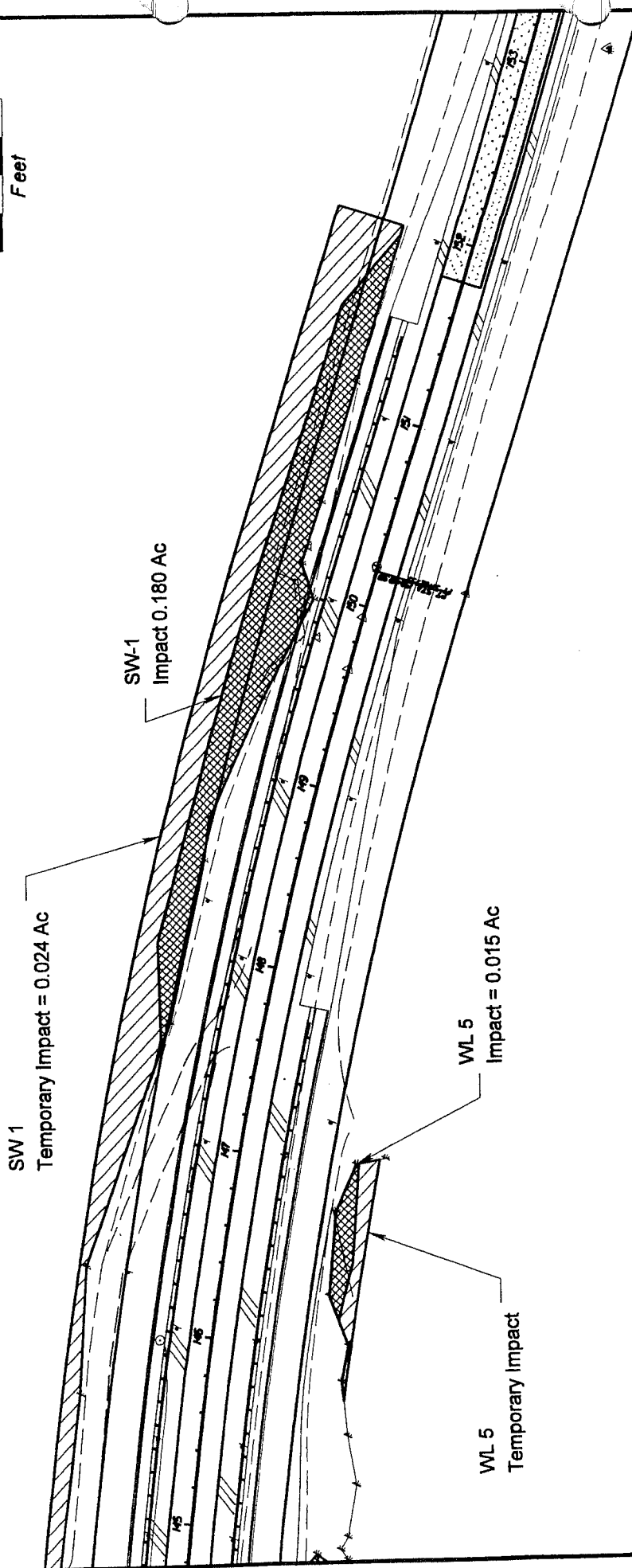


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AQUACULTURE LEASE
FOR PHIL CUBBAGE

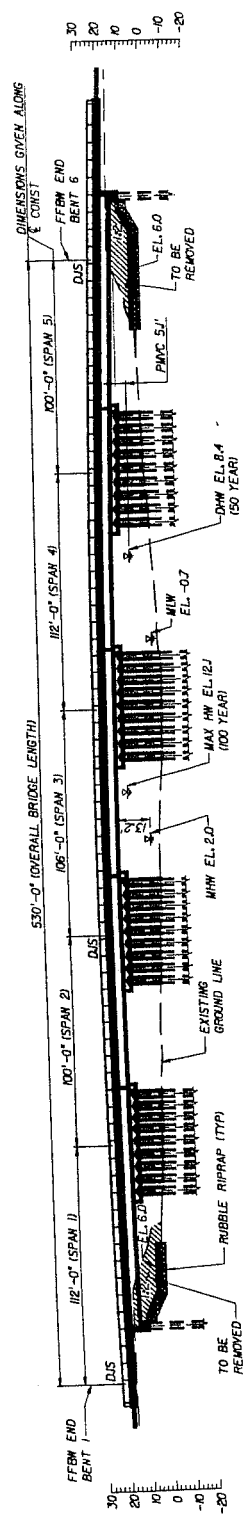
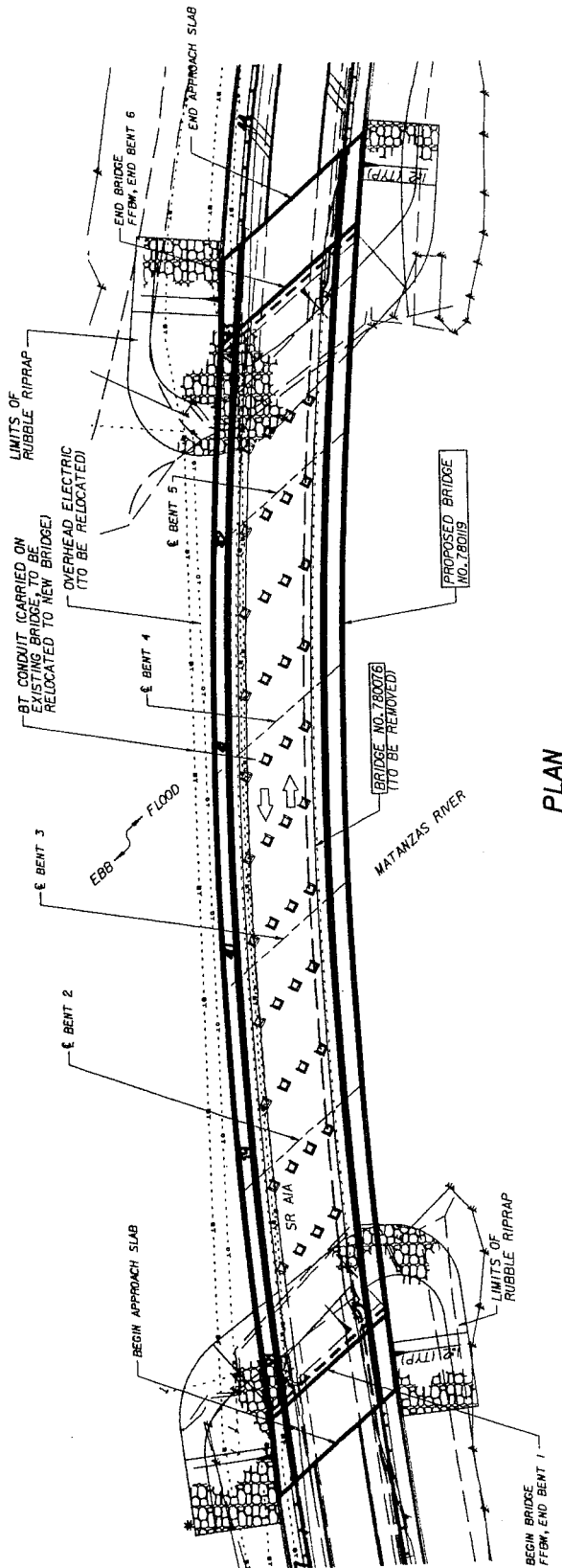


WETLAND IMPACTS
MATANZAS SOUTH BRIDGE



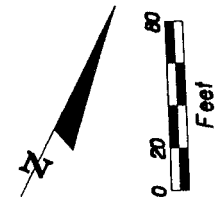
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MATANZAS SOUTH BRIDGE



ELEVATION

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MATANZAS SOUTH BRIDGE PLAN AND ELEVATION



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

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U.S. Army Corps of Engineers
Permit # 545-2005-10540
Date: 1/23/09
Attachment: 2



STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

U.S. Army Corps of Engineers
Permit # 545-205-10540
Date: 7/23/09
Attachment: 3



FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs

624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.

P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs

1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.

1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs

104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories

2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs

1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

**United Rentals Highway
Technologies**

309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

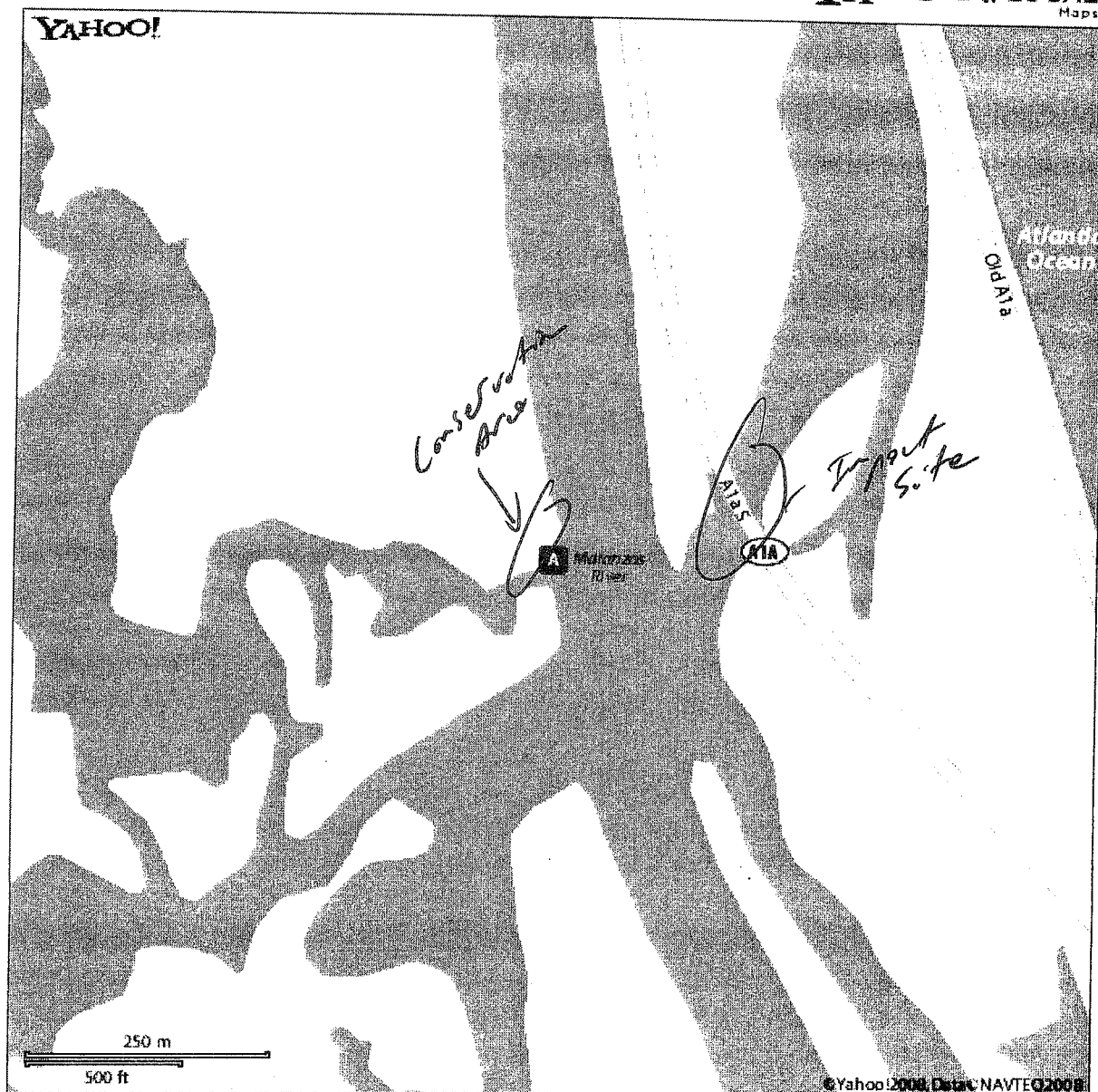
SHUT DOWN

Report any collision or injury to:

1-888-404-FWCC (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission

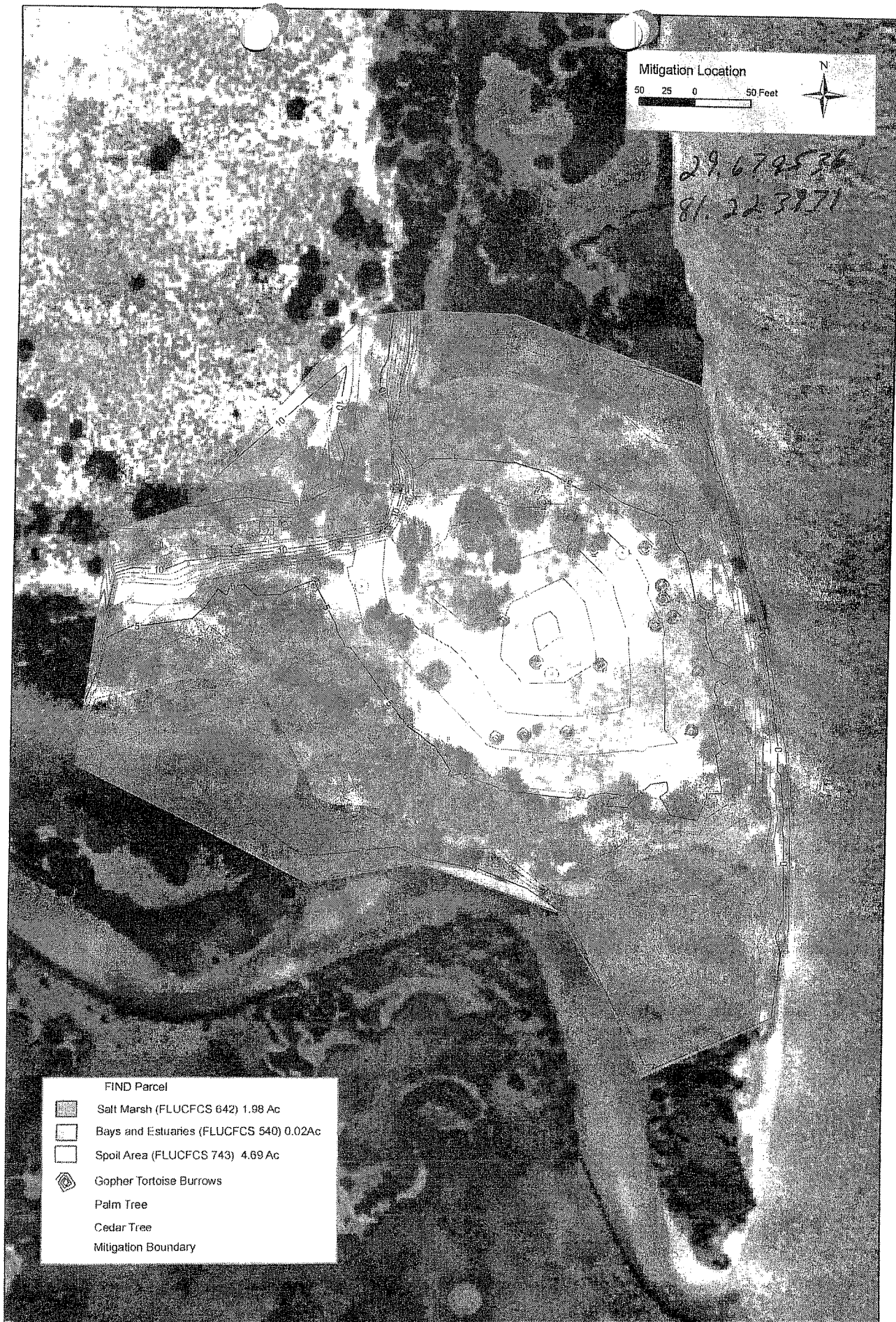
Map of 29.679272,-81.223115

YAHOO! LOCAL
Maps

When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

U.S. Army Corps of Engineers
 Permit # 5AT-2005-10540
 Date: 1/23/09
 Attachment: 4





FIND AREA

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineered drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: _____

2. Permittee Information:

Name _____

Address _____

3. Project Site Identification:

Physical location/address _____

4. As-Built Certification:

I hereby certify that the authorized work has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

Florida Reg. Number

Company Name

Address

City

State

ZIP

(Affix Seal)

Date

Telephone Number

Deviations from the approved plans and specifications: (attach additional pages if necessary)

U.S. Army Corps of Engineers

Permit # 545-2005-10540

Date: 1/23/09

Attachment: 5



ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 4-109-102661-1

DATE ISSUED: January 13, 2009

PROJECT NAME: Matanzas River North & South Bridges Replacement

A PERMIT AUTHORIZING:

Replacement of Matanzas River North & South Bridges, a 17.49-acre roadway project.

LOCATION:

Section(s): 37

Township(s): 9S

Range(s): 31E

St. Johns County

ISSUED TO:

Florida Department of Transportation
1109 S Marion Ave
Lake City, FL 32025-5874

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

PERMIT IS CONDITIONED UPON:

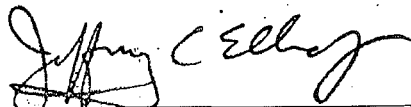
See conditions on attached "Exhibit A", dated January 13, 2009

AUTHORIZED BY: St. Johns River Water Management District

Department of Water Resources

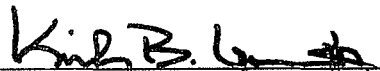
Governing Board

By:



Jeff Elledge
(Director)

By:



Kirby B. Green III
(Assistant Secretary)

U.S. Army Corps of Engineers

Permit # 5AT-205-10540

Date: 1/23/09

Attachment: 6



"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-109-102661-1
FLORIDA DEPARTMENT OF TRANSPORTATION
DATED JANUARY 13, 2009

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:
 1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
 2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
 3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
 4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
 5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
 6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

21. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
22. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
23. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
24. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
25. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
26. Structures or activities shall not create a navigational hazard.
27. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
28. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.
29. This permit for construction will expire five years from the date of issuance.
30. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
31. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
32. This permit requires the recording of a conservation easement.

Description of Conservation Easement Area

The permittee shall provide to the District for review and written approval a copy of: (a) the preliminary plat showing the area to be encumbered by the conservation easement, or (b) a surveyor's sketch and legal description of the area to be placed under the conservation easement, per the approved mitigation plan, at least 45 days prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first.

If the impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required will occur in discrete phases, the areas to be preserved to offset such impacts may be placed under conservation easement in phases such that impacts are offset during each phase. Such phasing of preservation shall only

occur if it has been proposed in the mitigation plan and approved by the permit, or if it is approved in writing by the District. A surveyor's sketch and legal description of the area to be placed under conservation easement during each phase must be submitted in accordance with the previous paragraph.

Recording of Conservation Easement

Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a conservation easement which shall include restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with section 12.3.8, Applicant's Handbook, Management and Storage of Surface Waters (February 1, 2005). The conservation easement shall be in the form approved in writing by the District and, if no plat has been submitted, the easement shall include the approved legal description and surveyor's sketch. If the District does not provide written comments on the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the conservation easement with the legal description and surveyor's sketch or plat reference previously submitted. If the District provides written disapproval of the preliminary plat or surveyor's sketch and legal description, the permittee shall, within ten (10) days of receipt of the disapproval, correct all errors with the conservation easement, including the preliminary plat or legal description and surveyor's sketch, and record the conservation easement.

Pursuant to section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the final plans and/or mitigation proposal approved by the District. The easement must contain the provisions set forth in paragraphs 1(a)-(h) of section 704.06, Florida Statutes, as well as provisions indicating that the easement may be enforced by the District, and may not be amended without written District approval.

Additional Documents Required

The permittee shall ensure that the conservation easement identifies, and is executed by, the correct grantor, who must hold sufficient record title to the land encumbered by the easement. If the easement's grantor is a partnership, the partnership shall provide to the District a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The consent and joinder of the mortgagee shall be recorded simultaneously with the conservation easement in the public records of the county where the land is located. Within 30 days of recording, the permittee shall provide the District with: (a) the original recorded easement (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the easement area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder(s) of mortgagee (if applicable).

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently monumented above ground on the project site.

33. The bridges shall be constructed as per plans received by the District on November 30, 2005.
34. The mitigation plan received by the District on 19 November 2008 is incorporated as a condition of this permit.
35. The bridge demolition plan received December 9, 2008 is made a condition of this permit.
36. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
37. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
38. Siltation barriers shall be made of material in which manatees cannot become entangled, and shall be properly secured and regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to, or exit from, essential habitat.
39. All vessels associated with construction/dredging activities shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
40. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee(s). These precautions shall include the operation of all moving equipment no closer than within 50 feet of a manatee. Operation of any equipment within 50 feet or less of a manatee is prohibited. Upon discovery of a manatee within 50 feet or less from construction equipment, such equipment shall be shut down immediately. Activities associated with construction or dredging shall not resume until the manatee(s) has departed the project area of its own volition.
41. Any collision with and/or injury to a manatee shall be reported immediately to the Fish and Wildlife Conservation Commission at (1-888-404-FWCC). Collision and injury should also be reported to the U. S. Fish and Wildlife Service in Jacksonville (1-904-232-2580).
42. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 feet by 4 feet that reads Caution: Manatee Area shall be posted in a location prominently visible to water-related construction crews. A second sign shall be posted if vessels are associated with the construction or dredging activities authorized by a permit consolidated with this sovereign submerged lands authorization, and shall be placed in a location visible to the vessel operator. It shall measure at least 8 1/2" by 11" and read:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shut down if a manatee comes within 50 feet of any operating construction equipment. Any collision with and/or injury to a manatee shall be reported immediately to the Fish and Wildlife Conservation Commission at (1-888-404-FWCC). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville at (1-904-232-2580).

General State Lands Conditions

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

Statement of Findings

Number: _____



Conversion services provided by:

MICROGRAPHICS

The Information and Image Managers

1925-A NW Second Street

Gainesville, FL 32609

Phone: (352) 372-6039 - Fax: (352) 378-6039

On-line: www.micrographicsinc.com

FEB 12 2009

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and
Statement of Findings for the Above-numbered Permit Application

1. Applicant: FDOT, District II
Attn: Van Humphreys
1109 South Marion Avenue, MS 2002
Lake City, Florida 32025
2. Location, Project Description, Existing Conditions: The project proposes impact to waters of the United States (including wetlands) associated with the Matanzas River. The proposed project is located approximately 0.5 mile north of Marineland and 300 feet east of the Intracoastal Waterway (ICWW) along State Road A1A in Sections 30 and 31, Township 9 South, Range 31 East, in St. Johns County, Florida.

The applicant proposes to permanently impact 0.70-acre of waters and wetlands and temporarily impact 1.12 acres of waters and wetlands to replace the Matanzas River South Bridge and resurface a portion of State Road A1A. The applicant would replace an existing 480-foot bridge with a 530-foot bridge over the Matanzas River. The applicant proposes travel lanes to match existing lane widths while increasing the paved shoulder by 5 feet. The shoulders in areas with shoulder gutter and guardrails would match the proposed bridge section. On the southeast quadrant of the project before the guardrail there is a 240-foot section where the shoulder would be 6 feet. The existing roadway would be resurfaced for 680 feet starting approximately 722 feet south of the bridge. The roadway is also to be resurfaced for 751 feet starting approximately 855 feet after the bridge ends.

Bridge Construction: Shallow water operations (less than 6 feet) would employ Best Management Practices (BMPs) in attempt to avoid adverse impacts to the environment. At bridge end spans and extending to a maximum of 2 feet of water depth, pile driving and bridge erection equipment would be supported on existing ground above Mean High Water elevation or on timber mats or rock filled gabions that would be removed when no longer required. In depths greater than 2 feet, pile driving and bridge erection equipment would be barge mounted and positioned either by shallow draft tugs or by winch and anchor systems operated from the barge deck. In shallow water depths, pile driving crane barges would be shifted utilizing deck engines, cables, and anchors. Where water

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depths allow, barges would be shifted by shallow draft tugs. Construction activities in water depths greater than 6 feet would not be restricted regarding the type of vessels used or vessel draft.

Bridge Demolition: The majority of the superstructure would be dismantled rather than demolished. In shallow water, to the extent practicable, the bridge would be dismantled from the top down including the deck spans which would be lifted off the bent caps. Pilings would be removed with pile/pier cap intact to minimize loss of material during demolition. These structures would be cut at the river bottom and extracted intact.

The existing bridge consists of a western portion whose section consists of a 12-foot travel lane followed by a 10-foot shoulder, barrier, 6-foot sidewalk, and 9.5-inch guardrail. The eastern portion is similar to the west but has an 11-foot shoulder and 8-foot sidewalk. Wetlands associated with the project may be described as salt marsh and high salt marsh fringe. Wetland WL-1 is located on the southwestern edge of the bridge approach. WL-1 may be described as highly impacted salt marsh fringe. The vegetation within this area consists of marsh elder (*Iva frutescens*), sea oxeye (*Borrichia spp.*), and saltbush (*Baccharis halimifolia*) with a ground cover provided by sea purslanes (*Sesuvium portulacastrum*), saltwort (*Batis maritima*), and glasswort (*Salicornia virginica*). The applicant has stated that the area appears to be slightly higher in elevation and is probably a remnant from the original bridge construction. Approximately 0.334-acre of WL-1 would be filled for a bridge approach. Temporary impacts to an additional 0.236-acre is proposed during construction. This area would be returned to preconstruction elevations and allowed to revegetate by natural recruitment following construction. Wetland WL-2 consists of three small portions of salt marsh located along the southeastern edge of the bridge approach. This wetland is another section of highly impacted salt marsh fringe and seedling of black mangrove. Common species include seedling black mangrove, sea oxeye daisy, and Virginia dropseed. Approximately 0.128-acre is proposed as permanent impact for the bridge approach. Temporary impact to an additional 0.249-acre would occur during construction. These areas would be regraded and allowed to revegetate by natural recruitment following construction. Wetland WL-3 is located at the foot of the existing bridge in the southeastern quadrant. It is a 0.002-acre section of highly impacted salt marsh fringe. Virginia dropseed is the dominate species in the area. The

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proposed project would permanently fill this wetland during construction. Wetland WL-4 is located at the northwestern quadrant of the existing bridge. The wetland is another section of highly impacted salt marsh fringe. Virginia dropseed is the dominant species. Approximately 0.034-acre of this wetland is proposed for permanent impact. Temporary impact include 0.062-acre of marsh which would be returned to original grades and allowed to naturally recruit following construction. Wetland WL-5 consists of three small portions of highly disturbed transitional salt marsh located along the northeastern edge of the bridge approach. Common species include Virginia dropseed, marsh elder, and sea oxeye daisy. The proposed project would permanently impact approximately 0.021-acre of marsh along with temporary impacts of 0.040-acre. Surface water SW-1 is located along the northwestern approach to the existing bridge. It consists of a highly eroded, tidally influenced shoreline of the Intracoastal Waterway. This area is currently devoid of wetland vegetation and portions have been stabilized with riprap. Approximately 0.180-acre is proposed for fill for the bridge approach, with an additional 0.240 acre of temporary impacts. These temporary impacts would be returned to preconstruction elevations following construction. Surface water WL-2 consists of four sections of open water habitat adjacent to the existing bridge that would be temporarily impacted during construction. The cumulative acreage involves 0.106-acre. Mats would be placed in these areas to accommodate equipment during construction of the bridge. The mats would be removed following construction.

3. Project Purpose: Basic: To replace and improve an existing bridge and resurface State Road A1A.

Overall: To replace and improve the existing Matanzas River South Bridge and resurface a portion of State Road A1A within the immediate area.

4. Scope of Analysis: The scope of analysis was limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

5. Statutory Authority: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

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a. State Permit/Certification: The Department of St. Johns River Water Management District (SJRWMD) permit number 4-109-102661-1 was issued on 13 January 2009.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

7. Date of Public Notice and Summary of Comments

a. The application was received on 2 December 2005. The application was considered complete on 22 September 2006. A public notice was issued on 20 November 2006, and sent to all interested parties including appropriate State and Federal agencies. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): FWS responded by letter dated 12 December 2006, concurring with the Corps' may affect, not likely to adversely affect determinations. See paragraph 10(f) below for additional details.

(3) National Marine Fisheries Service (NMFS): By letter dated 20 December 2006, the NMFS objected to the issuance of a Department of the Army permit until adequate mitigation is provided to off-set impacts to essential fish habitat (EFH). See paragraph 10(g) for additional details.

(4) State Historic Preservation Officer (SHPO): By letter dated 21 December 2006, SHPO indicated that the proposed project would have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance. SHPO has requested the Corps include a special condition that specifically prohibits the contractor from excavating below subgrade in the vicinity of site 8SJ4887 and that all construction staging areas

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avoid this site. The Corps will include the following special condition in any permits issued for the project:

The Permittee is prohibited from excavating below subgrade in the vicinity of prehistoric shell midden (SJ4887) station 109+00 LT to 112+00 LT. Further, all construction staging areas shall avoid this area as well.

(5) US Coast Guard (USCG): The USCG is currently evaluating an application for the replacement of the proposed bridge structure. The USCG issued a public notice for the proposed activity on 5 October 2007. There are no indications from the USCG that a permit would not be issued.

(6) No other comments were received from State or Local agencies, organizations, individuals or any other interested party.

b. Applicant's response to the comments: The comments were coordinated with the applicant via letter dated 21 December 2006 and again 22 January 2007. The applicant responded via letter dated 7 July 2007 stating the bridge is structurally deficient and has been designed to meet current safety standards. The letter outlined several minimization methods and best management practices which would be employed during construction. The applicant has agreed to implement the additional conditions provided by the federal resource agencies. Further, the applicant has agreed to implement compensatory mitigation plans that will fully off-set impacts to EFH.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The no action alternative would not allow for project completion. The no build alternative would cause safety concerns as the current bridge structure is considered structurally deficient. Further, the no build could lead to road closure which would increase emergency evacuation time, emergency response time, and overall traffic congestion on adjacent roadways. The applicant evaluated several different design alternatives; however the selected alternative meets safety design standards, lengthens the bridge spans, and provides improved pedestrian access.

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b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent possible that would allow the applicant to achieve the project purpose. The applicant has lengthened the bridge spans to reduce impacts to the adjacent wetlands. The applicant was not asked to further explore minimization alternatives beyond those already achieved.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The applicant has completed a Uniform Mitigation Assessment Method (UMAM) and determined the proposed replacement of both the north and south State Road 1A Matanzas River bridges will cause 0.61 functional units of loss. The applicant will secure a 50 year conservation easement over a unique unused Florida Inland Navigation District spoil island located adjacent to the project site. The spoil site has been left unaltered for several years and now the upland portions of the island are inhabited by numerous gopher tortoises. This salt marsh portions of the site are high quality areas dominated by native species with the absence of nuisance and exotic species. The easement will encompass 1.98 acres of salt marsh, 4.69 acres of uplands, and 0.02 acre of bays and estuaries. Temporary wetland impact areas would be regraded and the applicant will expedite regeneration by planting sand cord grass. The mitigation offered by the applicant is sufficient to offset impacts on the values and functions of the wetland resource.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

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b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: Public benefits include employment opportunities, improved travel safety, and improved pedestrian access.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: The applicant has considered the comments provided by Ms. Cardenas, however the applicant must design the bridge to meet current safety design standards and a reduced bridge width would not be acceptable or feasible.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: The beneficial effects for public transportation may include an increase in public safety, improved pedestrian access, and the more effective movement of vehicular traffic.

f. Threatened or Endangered Species: By letter dated 17 November 2006, the Corps determined that the project may affect the West Indian manatee and may affect, but not likely to adversely affect the wood stork.

The FWS responded by letter dated 12 December 2006, stating that with the inclusion of the Standard Manatee Conditions for In-water Work and the placement of mooring fenders on barges and other large vessels such that when moored together, the fenders provided a minimum stand-off, at and below the water line, of four feet under maximum compression the project may affect, but is not likely to adversely affect the West Indian manatee. Further, the FWS concluded the project area does not represent suitable foraging habitat for the wood stork and the project may affect, but is not likely to adversely affect the wood stork.

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The FWS requested the applicant to expedite restoration of salt marsh by planting of plugs of salt marsh cordgrass throughout the impact area.

By letter dated 17 November 2006 the Corps requested NMFS concurrence with the Corps' determination that the project may affect, but is not likely to adversely affect, leatherback sea turtle (*Dermochelys coriacea*), hawksbill sea turtle (*Eremochelys imbricata*), green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and the smalltooth sawfish (*Pristis pectinata*). The determination was made based on the best scientific and commercial information available to complete coordination in accordance with 50 CFR 402.14(c). The applicant has provided a statement agreeing to conditions set forth in the "Sea Turtle and Smalltooth Sawfish Construction Conditions."

By letter dated 11 January 2007, NMFS concluded the project's effects on sea turtles and smalltooth sawfish are discountable. Based on sightings data smalltooth sawfish are rare in the area. The probability of sea turtles or smalltooth sawfish impacts associated with the piling installation or anchoring is very low. Sea turtles and smalltooth sawfish potentially present in the project area are highly mobile and can temporarily avoid the area during construction, and the applicant has agreed to comply with the NMFS' Sea Turtle and Smalltooth Sawfish Construction Guidelines. NMFS concluded the proposed action is not likely to adversely affect any ESA-listed species under NMFS's purview.

g. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would have an adverse impact on EFH or Federally managed fisheries. In response to the public notice, the NMFS indicated on 20 December 2006, that the proposed project would impact EFH and provided one EFH conservation recommendation as follows: The Department of the Army shall not authorize the project until the project has been amended to include compensatory mitigation that fully compensates for impacts to EFH. The plan for this compensatory mitigation shall be presented to NMFS for evaluation and approval before the Department of the Army authorizes the project. By letter dated 20 January 2009, the Corps informed the NMFS that authorization for the proposed project would be granted on or about 10 days based on the implementation of a compensatory mitigation plan approved by NMFS.

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The NMFS responded by letter dated 22 January 2009, stating they concur with the mitigation plan and that they remove their objections. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: The Corps acknowledges that the project might produce minor secondary impacts, such as increased noise and/or light pollution or minor increases in the level of surface pollutants. However, in consideration of the overall limited amount of new roadway and the use of stormwater management systems, the Corps does not believe that any secondary impacts associated with the project would be significant. The applicant will utilize Best Management Practices to further reduce any potential secondary impacts. The expansion of bridges by the applicant will further reduce cumulative and secondary impacts. The implementation of compensatory mitigation within the same drainage basin will ensure cumulative impacts will not occur.

j. Corps Comments and Responses: Full consideration was given to all comments received during the public notice. The comments provided by Ms. Cardenas do not fall within the jurisdiction of the Corps. The applicant must design the project to meet current safety design standards. The applicant will incorporate special conditions provided by FWS, SHPO, and NMFS.

11. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.



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b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

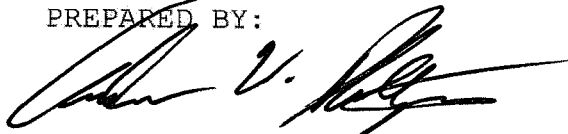
c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

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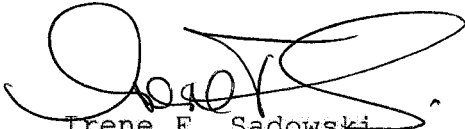
d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

PREPARED BY:



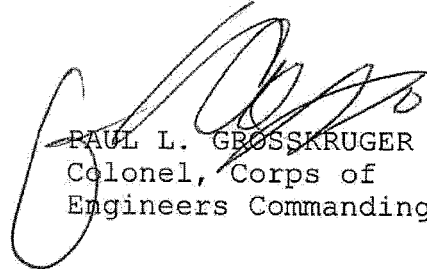
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REVIEWED BY:



Irene F. Sadowski
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Section

APPROVED BY:



PAUL L. GROSSKRUGER
Colonel, Corps of
Engineers Commanding

CF:

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